

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

UNITED STATES OF AMERICA

V.

CRIMINAL NO. 3:07 cr 86-DCB-JCS

DALE C. ARCHEY

ORDER

THIS CAUSE came on for consideration pursuant to 18 U.S.C. §4243, for purposes of determining whether Dale C. Archey, having previously been found not guilty by reason of insanity in the above-styled matter, should be released or whether he should be re-committed to the custody of the Attorney General. The Court, having considered the psychiatric reports submitted to the Court by the Government, the testimony offered to the Court by witnesses for Dale C. Archey, and the argument of the parties, hereby finds that the release of acquitted person Dale C. Archey at this time would create a substantial risk of bodily injury to another person or serious damage of property of another due to a present mental disease or defect of Dale C. Archey.

IT IS THEREFORE ORDERED AND ADJUDGED AS FOLLOWS:

1. Dale C. Archey shall be re-committed to the custody of the Attorney General, who shall hospitalize Dale C. Archey for treatment in a suitable facility until:
 - a) the State of Mississippi will assume responsibility for Dale C. Archey's custody, care and treatment; or
 - b) Dale C. Archey's mental condition is such that his release, or his conditional release under a prescribed regimen of medical, psychiatric, or

psychological care or treatment, would not create a substantial risk of odily injury to another person or serious damage to the property of another; whichever is earlier.

2. The Attorney General shall make all reasonable efforts to cause the State of Mississippi to assume responsibility for Dale C. Archey's care.
3. When the director of the facility in which Dale C. Archey is hospitalized determines that he has recovered from his mental disease or defect to such an extent that his release, or his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment, would no longer create a substantial risk of bodily injury or serious property damage, he or she shall promptly file a certificate to that effect with the clerk of this Court and the clerk of this Court shall send a copy of the certificate to Mr. Archey's counsel and to counsel for the Government, at which time this Court shall proceed according to the dictates of 18 U.S.C. §4243(f).
4. The United States Marshal Service is directed to forthwith deliver acquitted person Dale C. Archey to Federal Medical Center Butner, in Butner, North Carolina, whereupon said facility shall comply with this Order.

SO ORDERED this the 11th day of February, 2010.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE